THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No.4798 of 2007

DATED 08-03-2007

Between:

M/s.Pepsico India Holdings Pvt. Ltd.,
Hyderabad,
rep. by its Regional Commercial Manager.

…**Petitioner**

And

1.The Additional Commissioner(CT) (Legal),
Office of the Commissioner of Commercial Taxes,
Opp.Gandhi Bhavan, Nampally, Hyderabad (A.P.),
Hyderabad (A.P.) and 2 others.

…**Respondents**

The Hon'ble Sri Justice Bilal Nazki
and
The Hon'ble Sri Justice Nooty Ramamohana Rao

WRIT PETITION No.4798 of 2007

Order: *(Per the Hon'ble Sri Justice Bilal Nazki):*

Heard the learned Counsel for the parties. With their consent, the Writ Petition is being disposed of at the stage of admission without formal counter by the respondents.

The learned Counsel for the petitioner has stated that the petitioner has filed an appeal against an order of assessment before the second respondent and it has finally been heard on 27-02-2007 and reserved for orders. In the meantime, an application for stay pending disposal of the appeal before the second respondent, had been filed by the petitioner before the first respondent and it had been dismissed by him on 28-02-2007 rejecting the prayer of the petitioner for grant of stay.

We feel that since the second respondent-appellate authority had already heard the appeal, it would not be just to make any recoveries till the order is pronounced by the second respondent-appellate authority. It is for the second respondent-appellate authority to pronounce the order as, according to the petitioner, the appeal has already been heard.

Keeping in view all these facts, we dispose of this Writ Petition and grant stay of

recovery of the disputed tax till the appeal is decided by the second respondent-appellate authority. No costs.

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(***Bilal Nazki, J***)

Dated 8th March, 2007

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(***Nooty Ramamohana Rao, J***)

Note:
Wire at
party's Costs.
B/o
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